



Guinea-Bissau*

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Guinea-Bissau's transition to a multiparty democracy was slowed by the domination of President Koumba Yala of the Partido de Renovacao Social (PRS), who was elected in January 2000 with a 72 percent electoral majority in a runoff election. In the 1999 legislative elections, the PRS won 38 of 102 National Assembly seats, and ended the 26-year domination of the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC). Local and international observers considered both elections to be generally free and fair, although there were reports of some irregularities in the 1999 election. During the year, the country was characterized by continuing political and economic instability. A new constitution, approved by the National Assembly in April 2001, was neither vetoed nor promulgated by the President, and the resulting ambiguity undermined the rule of law. Impulsive presidential interventions in ministerial operations continued to hamper effective governance. On November 14, the President dismissed the Government of Prime Minister Alamara Nhasse, dissolved the National Assembly, and called for legislative elections. On November 16, the President appointed Prime Minister Mario Pires to lead a caretaker government. The Government was controlled by presidential decree at year's end. The Constitution provides for an independent judiciary; however, it was subject to political influence and corruption, and was undermined when the President replaced the President of the Supreme Court on two occasions during the year.

The police, under the direction of the Ministry of the Interior, have primary responsibility for the country's internal security; however, a lack of resources and training continued to hamper their effectiveness. The armed forces are responsible for external security and can be called upon to assist the police in internal emergencies. In August the Government, with funding from international donors, began a comprehensive program designed to restructure the armed forces and improve military living conditions with the demobilization of approximately 4,000 active duty military personnel. The reinsertion and reintegration phases of the program were not implemented by year's end. The military remained loyal to the President and generally was under his control and responsive to him. In September when tensions arose between the President, Prime Minister Nhasse, and members of the ruling party, the military publicly stated its commitment to defending the Constitution. In December 2001, some members of the military allegedly attempted a coup d'etat; 28 officers were arrested and detained. In May a second coup attempt allegedly took place. All alleged coup plotters were released following an amnesty announced by the President in June. Members of the security forces committed serious human rights abuses.

The population of approximately 1.3 million relies largely upon subsistence agriculture and the export of cashew nuts in a market economy. In 2001 the country suffered a substantial slowdown in economic activity, with real GDP growth estimated at 0.2 percent, as a result of significantly lower levels of foreign assistance and a drop in cashew prices in the international market of approximately 30 percent. The country remained burdened by heavy external debt and pervasive underemployment.

The Government's human rights record remained poor, and it continued to commit serious abuses. Members of the security forces continued to use beatings and physical mistreatment to abuse persons. The Government did not punish members of the security forces responsible for such abuses. Arbitrary arrest and detention, including of journalists and human rights activists were problems. The Government at times used incommunicado detention. Prison conditions remained poor. The judiciary was subject to political influence, corruption, and executive intimidation. The Government infringed on citizens' privacy rights. The Government restricted freedom of speech and the press, and journalists practiced self-censorship. The Government limited freedom of movement. Violence and discrimination against women were problems. Female genital mutilation (FGM) was practiced widely. Child labor, including some forced child labor, was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings; however, on July 15, police killed one youth and injured others while resolving a hostage situation that involved a policeman kidnaped by a group of youths performing circumcision rites.

There was no action taken, nor is any likely, in the 2001 death in custody of an officer allegedly connected to a December 2001 coup attempt; and the death in custody of a soldier allegedly connected to the 2000 coup attempt.

Unlike the previous year, there were no reported deaths from landmine explosions during the year (see Section 1.c.).

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and evidence obtained through torture or coercion is invalid; however, the Government often ignored these provisions, and security forces beat, mistreated, and otherwise abused persons. Unlike in the previous year, human rights observers did not note repeated instances of police and members of the armed forces beating and abusing civilians for minor social or legal infractions. Several journalists reported abuse while in detention. Security and police authorities historically have employed abusive interrogation methods, usually in the form of severe beatings. The Government rarely enforced provisions for punishment of members of security forces who committed abuses.

On September 24, Rui Ferreira, a National Assembly Deputy belonging to the opposition Resistencia Guinea Bissau Party (RGB/MB) arrived late at a National Day event where the President was giving a speech. Presidential bodyguards severely beat Ferreira to prevent him from entering the site. Ferreira was hospitalized and later released. There were no reports of a government investigation into the incident by year's end.

There were no further developments in the case of Fernando Gomes who security forces beat on a number of occasions while he was in incommunicado detention in May 2000.

No action was taken, nor is any likely, to investigate or prosecute members of the security forces for abuses committed after the November 2000 coup attempt (see Section 1.d.).

On September 24, during his National Day speech to the National Assembly, President Yala singled out Democratic Alliance M.P. Victor Mandinga, an outspoken critic of the President, after Mandinga rose to quit the chamber in protest of the President's speech. Using a racial slur, Yala told Mandinga, whose father originally came from Sao Tome, that he should "go back where he came from." On October 1, Mandinga claimed that two bullets struck his house, with one lodging in the ceiling of his office. In an official statement following an October 1 press conference held by Mandinga, Prime Minister Nhasse asked the Interior Ministry to investigate the incident, but accused the opposition of trying to "destabilize the Government and denigrate the image of the President."

In October 2001, the British Broadcasting Corporation (BBC) news reported that President Yala had threatened to shoot any politician trying to enter a military barracks in order to use the army against him; however, there were no reports that this threat ever was carried out.

Although reliable statistics were not available, during the year, a landmine explosion injured at least one person in the city of Bissau.

Prison conditions remained poor, but generally they were not life threatening. The country does not have formal prisons. Most prisoners were detained in makeshift detention facilities on military bases in Bissau and neighboring cities. Unlike in the previous year, beatings were not used as a means of coercion. The Government at times used incommunicado detention. Places of detention generally lacked running water or adequate sanitation. Detainees' diets were poor and medical care was virtually nonexistent. Men and women were held in separate facilities, and juveniles were held separately from adults. Pretrial detainees were not held separately from convicted prisoners.

The Human Rights League was given access to most prisoners and detainees during the year. The office of the Representative of the U.N. Secretary General (UNOGBIS) visited high profile prisoners during the year, and was instrumental in assuring their well being and providing them with food and medical care. During the year, the International Committee of the Red Cross (ICRC) also was given access to prisoners.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, security forces arbitrarily arrested and detained persons, including journalists and human rights activists. Unlike in the previous year, security forces did not arrest members of the Supreme Court.

The law provides for procedural rights, such as the right to counsel, the right to release if no timely indictment is brought, and the right to a speedy trial; however, in practice the judicial system generally failed to provide these rights (see Section 1.e.).

Police detained suspects without judicial authority or warrants.

During the year, the Government arrested and detained numerous journalists and other members of the media (see Section 2.a.).

On January 26 and February 2 respectively, the Vice-President and former President of the Guinean Human Rights League (LGDH) were arrested on charges of misappropriating funds donated to the LGDH by a foreign NGO in 1999 (see Section 4).

On June 28, former Prime Minister Faustino Imbali was arrested on charges of embezzling public funds during his tenure as Prime Minister, which ended December 2001. After being held for 24 hours, Imbali was released, and was recalled for questioning on July 4. A second attempt to arrest him, ordered by Attorney General Caetano Intchama, reportedly was countermanded by the Prime Minister and Imbali's release was ordered. President Yala confirmed the order for his release, and on August 16, the President dismissed Intchama.

On October 25, security forces summoned and questioned former President Malam Bacai Sanha after he met with the Foreign Minister of Mozambique during the latter's visit. Sanha was released without charge.

During the week of December 2, several members of the military were arrested following an alleged coup attempt that same week. At year's end, they had not been visited by human rights officials.

In November 2001, President Yala ordered Emiliano Nosolini, President of the Supreme Court, his deputy, and a senior accounting official to be arrested and detained (see Section 1.e.). They were charged with corruption following an audit of Supreme Court finances. On February 14, the three were released and charges in all three cases were pending at year's end.

In December 2001, authorities arrested and detained 28 members of the military following an alleged coup attempt on December 3. The Government did not release publicly any evidence linking the 28 detainees to the reported coup. Early in the year, U.N. officials and representatives of the ICRC were permitted to visit these prisoners. On June 11, all prisoners were released after President Kumba Yala announced a general amnesty for those implicated in the alleged coup attempt and in another coup attempt that allegedly took place in May.

In 2000 the Government arrested approximately 400 citizens and soldiers immediately following an attempted coup by General Mane. Inacio Tavares, the president of the LGDH, accused the military of physical abuse, torture, and persecution of the families of suspects. In February 2001, Amnesty International (AI) reported that 124 military and security officers remained in detention without formal charges, in "appalling conditions." One detainee already had died and others were in serious condition. By October 2001, the remainder was released, with some 30 among them released on bail. In June and July, a civil court tried and convicted 13 of the 30 accused, handing down sentences varying from 3 to 10 years. All were released pending the outcome of their appeals to the Supreme Court. Trials were pending for the remaining 17 accused.

At year's end, several opposition politicians arrested in 2000 remained under house arrest (see Section 2.d.).

The Government did not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, judges were poorly trained and paid and sometimes were subject to political pressure and corruption. The Supreme Court was especially vulnerable to political pressure, because its members were appointed by the President and often were replaced. In previous years, there was some evidence that the judiciary retained a degree of independence; however, the judiciary was subject to executive influence and control. In 2000 the President of the Supreme Court was elected democratically by his colleagues and officially installed in December 2000; the President did not appoint him. When the Supreme Court declared unconstitutional President Yala's ban on the Islamic group Ahmadiya and the expulsion of its members from the country in August 2001, President Yala dismissed the Supreme Court President, Emiliano Nosolini, and four other justices on charges of corruption (see Section 1.d.). The National Assembly strongly criticized the dismissals and supported the Court's decision. The President replaced Nosolini with his former political adviser, Mario Lopes. The failure of the President to promulgate the amended constitution, which addressed the question of presidential authority to choose Supreme Court justices, heightened confusion surrounding the Supreme Court.

Civilian courts conduct trials involving state security. Under the Code of Military Justice, military courts only try crimes committed by armed forces personnel. In December 2001, President Yala appointed a Supreme Military Tribunal to try the soldiers in detention for involvement in the alleged December 3 coup attempt (see Section 1.d.); however, in May and June, a civil court undertook the trials. The Supreme Court was the final court of appeal for both military and civilian cases. The President had the authority to grant pardons and reduce sentences.

Citizens who could not afford an attorney had the right to a court-appointed lawyer.

Traditional law still prevailed in most rural areas, and persons who lived in urban areas often brought judicial disputes to traditional counselors to avoid the costs and bureaucratic impediments of the official system. The police often resolved disputes.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Home, or Correspondence

The Constitution prohibits such actions; however, the Government did not always respect these prohibitions in practice. The police did not always use judicial warrants. There were unconfirmed reports that police searched the mail.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, during the year, in many instances the Government restricted these rights. Opposition politicians had little or no access to government-controlled media. In March 2001, the Vice-Procurator General advised the domestic media to practice "self-censorship;" journalists still practiced self-censorship.

During the year, the Government harassed or arrested NGO members who criticized the Government on radio programs (see Section 4). In addition, during the year, the Government ordered all media organizations to cease publication of information relating to the LGDH (see Section 4).

The privately owned Correio Guiné-Bissau was published several times a week during the year; other newspapers, including Gazeta de Noticias, Fraskera, and the government-owned No Pintcha, were weeklies. All of the newspapers published only sporadically during the year due to financial constraints and dependence on the state-owned printing house. The national printing press, the only facility for publishing newspapers in the country, often lacked the raw materials to publish them.

The daily newspaper Diario de Bissau, closed in October 2001 by the Attorney General for causing "irreparable damage" to the independence of the nation and operating without a license, reopened during the year. The Diario's publisher later ceased publishing the daily Diario and commenced publication of the weekly paper Correio Guiné-Bissau. The daily newspaper Gazeta de Noticias, also closed in October 2001, did not open during the year due to high operating costs.

Journalists were arrested during the year for criticizing the Government. For example, on June 17, Joao de Barros, publisher and editor of the independent newspaper *Correio de Bissau* was arrested following his appearance on a talk show on the independent Radio Bombolom. During the talk show, Barros stated that recent rumors of a coup plot against the Government were designed to divert attention away from government corruption and described the President's military threats against neighboring Gambia as "pathetic." Barros was released after 48 hours.

On June 20, a journalist, Nilson Mendonca, was arrested and detained for 24 hours following a news report in which he claimed that President Yala was to apologize to Gambian authorities for having accused them of supporting insurgents in the country.

On August 7, Carlos Vamain, a prominent lawyer, was fined by a court for allegedly "threatening national unity" with remarks made during a radio broadcast. Vamain reportedly accused President Yala of "tribalizing" the administration by allegedly packing the Government and military with members of his Balanta ethnic group.

The 2001 detention case against Adolfo Palma, a correspondent of the Portuguese news agency Lusa, was pending at year's end.

Bacar Tchernon Dole, a journalist for the national radio and the weekly newspaper *No Pintcha*, who was arrested and held without charge in January 2001 for a report on an attack in the Sao Domingos area of the country by Casamancais rebels no longer was in detention at year's end.

The June 2001 case in which authorities arrested newspaper owner Joao de Barros and journalist Athizar Mendes after they published an article linking President Yala to corruption was dropped during the year.

In 2000 the independent stations Radio Pidjiguiti and Radio Mavegro resumed broadcasting. National television broadcasts from 7 p.m. to midnight on weekdays and 5 p.m. to midnight on weekends. Reportedly the government-controlled stations practiced self-censorship. Opposition politicians have little or no access to government-controlled media.

On December 2, the Ministry of Information summoned for questioning the local representative of Radio/TV Portugal (RTP) following a television broadcast in which Amnesty International urged authorities to investigate the November 2000 death of military leader Ansumane Mane. On December 4, the Government announced it had suspended RTP's Africa license to broadcast in the country, and on December 6, the Government declared the RTP delegate, Joao Pereira da Silva, persona non grata and gave him 48 hours to leave the country. At year's end, RTP broadcasts had resumed, and da Silva had not returned to the country.

The Internet was available in the country, and the Government did not restrict its use.

The Government did not restrict academic freedom.

a. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice. Permits were required for all assemblies and demonstrations. There were reports that at times the Government banned assemblies.

On October 11, the Government banned a Resistencia da Guine-Bissau (RGB) party congress led by RGB Deputy Helder Vaz, citing a Supreme Court ruling that declared Vaz was not the legitimate RGB leader. The party congress later was held at a different location, where the participants elected Vaz as the leader. Two senior RGB leaders subsequently were charged with civil disobedience and required to appear before authorities once a week; the cases were pending at year's end. Authorities also requested the National Assembly to remove Vaz's parliamentary immunity so that he could be charged. On December 13, following a rival RGB congress at which Tchongo was elected RGB leader, the Attorney General declared Tchongo the legitimate leader of the RGB.

All private associations were required to register with the Government. There were no reports that any associations were denied registration.

b. Freedom of Religion

The Constitution provides for freedom of religion; however, the Government did not respect this right when in

August 2001 President Yala abruptly expelled the Ahmadiya, an Islamic religious group, from the country (see Section 2.d.). The Supreme Court declared the expulsion unconstitutional; however, the Ahmadiya was not permitted to return by year's end.

Although the Government must license religious groups, there were no reports that any applications were refused.

For a more detailed discussion see the 2002 International Religious Freedom Report.

c. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government limited them in practice.

Unlike in previous years, there were no checkpoints or police harassment during the year. There were no travel restrictions in the country during the year.

The Minister of the Interior issues passports. In 2000 President Yala invalidated the passports of several politicians and placed them under house arrest in Bissau. At year's end, some still were under travel restrictions. Fernando Gomes and Agnello Regala (director of Bombolon Radio) still were not issued passports and were required to report to the Public Ministry twice a week.

Citizens have the right to return to the country and were not subject to revocation of their citizenship.

In August 2001, the President banned the Islamic group Ahmadiya (see Section 2.c.), and 11 members (all citizens of Pakistan) were expelled to Senegal.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government has provided asylum to refugees from the conflicts in Liberia, Sierra Leone, and the Casamance region of Senegal. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. During the year, the UNHCR reported that approximately 7,700 refugees, mostly Senegalese citizens, were in the country. More than 6,000 of these refugees lived in villages along the country's northern border where they were integrated into the local economy and largely self-sufficient. Another 1,000 Senegalese refugees lived in camps and received assistance from UNHCR. There also were approximately 500 Senegalese, Liberian, and Sierra Leonean urban refugees. The UNHCR reported that the Government was tolerant of these refugees and permitted them to engage in economic activities to support themselves; however, on May 22, two Sierra Leonean refugees reportedly were arrested on the premises of the Adventist Mission in Bissau after having requested assistance.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. However, on November 14, President Yala, citing both the internal and external lack of confidence in the Government, dissolved the National Assembly, dismissed the Government and called for early legislative elections. On November 16, the President appointed Prime Minister Mario Pires to lead a caretaker government until the legislative elections, and the country remained under rule by presidential decree at year's end.

In January 2000, voters elected President Koumba Yala with a 72 percent electoral majority in a runoff election following multiparty elections in 1999. Yala defeated interim president Malam Bacai Sanha of the PAIGC. International observers, foreign diplomats, and local NGOs considered both elections, which included candidates from 13 parties as well as several independents, to be generally free and fair. Yala's party, the PRS, won 38 of 102 National Assembly seats. The victory of the PRS ended the 26-year domination by the PAIGC. The PAIGC, the country's only legal party from 1974 to 1991, and the majority party in the National Assembly until the 1999 elections, won 24 of the 102 seats in the National Assembly, while opposition parties gained a majority. In addition to the 38 seats won by the PRS, the RGB won 29 seats, and 4 other parties split the remaining 11 seats.

Local elections have not yet been held in the country.

In April 2001, the National Assembly voted with the required majority to amend the constitution and the draft, which limited certain presidential powers, notably the authority to name and dismiss armed forces service chiefs and ambassadors, and passed it to the President for promulgation. At year's end, the President had neither promulgated nor vetoed the Constitution, and the issue remained a point of contention between the legislature and the executive. Controversy over the President's authority to appoint and dismiss Supreme Court judges was ongoing and had its basis in the ambiguity created by the stalemate over the Constitution (see Section 1.e.).

The President reshuffled his cabinet several times during the year. Following these changes, on August 25, Prime Minister Nhasse gave an interview on Radio Bombolom during which he accused President Yala of unilateralism, abuse of power, and causing instability in the country. The tension between the President and Prime Minister (who also is the President of the ruling PRS party) appeared to have been resolved in September; however, on November 14, President Yala dissolved the National Assembly, dismissed the Government, and called for legislative elections. No date had been set for the elections by year's end.

Prior to the dissolution of the National Assembly, there were 10 women among the 102 members. There were two female ministers in the caretaker government that was appointed in November.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views; however, the Government harassed and arrested NGO members for criticizing the Government in the media.

On January 4, following a January 3 radio broadcast in which authorities were called on to present evidence of an alleged coup attempt in December 2001, senior government officials accused representatives of the LGDH of subversive and destabilizing behavior. Later the same day, police officers visited the LGDH Vice President, Joao Vaz Mane, at his home and demanded the recording of the radio broadcast. On January 16, Mane received a letter from the Attorney General's office instructing him to appear to answer questions relating to the radio broadcast. On January 26, Mane was arrested and on February 2, former LGDH president and opposition politician Fernando Gomes was also arrested. Both were charged with misappropriation of funds donated to the LGDH by a foreign NGO in 1999. AI and the International Federation of Human Rights severely criticized the arrests. On February 1, Mane was released and on February 10, Gomes was released. Both were required to report weekly to the Attorney General's office and Gomes' passport was confiscated. On December 3, the Regional Tribunal of Bissau handed down a 2-month suspended sentence for Gomes and fined Vaz approximately \$450 (FCFA 290,000).

According to AI, on February 4, Carlos Schwarz, director of the local NGO Aid and Development (AD) and Agnello Regala, owner and director of Radio Bombolom, appeared before the Attorney General to answer questions related, respectively, to the functioning and statutes of a community radio, Voz de Quelele, sponsored by AD, and Radio Bombolom.

On March 24, the LGDH council voted to suspend its President, Inacio Tavares, accusing him of having fabricated charges against Mane and Gomes. On March 29, police locked LGDH headquarters. Following media coverage of the lockout, on April 6, the Attorney General ordered all media organizations to cease publication of information relating to the LGDH. The LGDH was denied access to its headquarters by authorities until August 22.

AI recommended that the Government investigate various human rights abuses committed since November 2000, including General Mane's death, to further encourage reconciliation efforts.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution and law prohibit discrimination on the basis of sex, and race; however, in practice the Government did not enforce these provisions effectively.

Women

Domestic violence, including wife beating, was an accepted means of settling domestic disputes. Although police intervened in domestic disputes if requested, the Government had not undertaken specific measures to counter social pressure against reporting domestic violence, rape, incest, and other mistreatment of women.

Female genital mutilation (FGM) was practiced widely within certain ethnic groups, especially the Fulas and the Mandinkas. The practice was increasing as the Muslim population has grown and was being performed not only on adolescent girls, but also on babies as young as 4 months old. The Government has not outlawed the practice; however, a national committee continued to conduct a nationwide education campaign to discourage FGM. International NGOs, including the Swedish group Radda Barnen and Plan International, as well as several domestic NGOs, such as Friends of Children and Sinim Mira Nasseque, continued working through the national committee to eliminate FGM.

The law prohibits prostitution, and there was no evidence that it was a problem.

Traditional and Islamic law do not govern the status of women, and men and women were treated equally under the law.

Official discrimination against women is prohibited by law; however, it persists. Women are responsible for most work on subsistence farms and have limited access to education, especially in rural areas. Adult illiteracy is 66 percent for men and 82 percent for women. Women do not have equal access to employment. Among certain ethnic groups, women cannot own or manage land or inherit property.

Children

The Government allocated only limited resources for children's welfare and education. According to a November 2000 study by an international agency, enrollment in basic education rose from 42 percent in 1993 to 62 percent in 2000 (enrollment of girls increased from 32 percent to 45 percent, while the rate for boys increased from 55 percent to 79 percent). However, in 1998 10 percent of rural schools offered only the first grade, and 23 percent offered only the first and second grades.

FGM was performed commonly on young girls and sometimes even infants (see Section 5, Women).

The law provides for compulsory military service for persons between 18 and 25 years old; however, boys under the age of 16 could volunteer for military service with the consent of their parents or tutors. Children were used as soldiers during the civil war; however, all remaining child soldiers were demobilized during the year.

Persons with Disabilities

The law does not prohibit specifically discrimination against persons with disabilities, and the Government does not ensure equal access to employment and education; however, there were no reports of overt societal discrimination. The Government has made some efforts to assist veterans with disabilities through pension programs, but these programs do not address adequately veterans' health, housing, and food needs. There were no reports of funds for special programs for persons with disabilities. There was no law mandating accessibility.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides all civilian workers with the freedom to form and join independent trade unions. However, the vast majority of the population worked in subsistence agriculture. Most union members were government or parastatal employees; only a small percentage of workers were in the wage sector and were organized.

The Government registers all labor unions. There were 21 labor unions registered and operating in the country. All unions officially were independent of the Government, but 15 unions were affiliated with the National Workers Union of Guinea-Bissau (UNTGB), which retained close informal ties with the PAIGC. The law does not favor UNTGB-affiliated unions over others. Six other unions were affiliated with the General Confederation of Independent Unions (CGSI), established in 2000.

The Government's provisions for the protection of workers against antiunion discrimination have very little effect due to low union membership. Although there were no laws providing sanctions against employers practicing such discrimination, no workers have alleged antiunion discrimination, and the practice was not believed to be widespread.

The International Labor Organization (ILO) Committee of Experts made seven direct requests of the Government

during the year, and the Government responded to all seven requests.

All unions were able to affiliate freely with national confederations and international labor organizations of their choice. The UNTGB was affiliated with the International Confederation of Free Trade Unions. Individual unions belonged to International Trade Secretariats.

b. The Right to Organize and Bargain Collectively

The Constitution does not provide for or protect the right to bargain collectively; however, in March 2001, a tripartite National Council for Social Consultation (CNCS) including the Government, workers, and employers was established legally and began functioning. The Council conducts collective consultations on salary issues and draft legislation concerning labor issues. Most wages were established in bilateral negotiations between workers and employers, taking into consideration the minimum salaries set annually by the Government's Council of Ministers (see Section 6.e.).

The Constitution provides for the right to strike and protection for workers from retribution for strike activities. The only legal restriction on strike activity was the requirement for prior notice. During the year, health workers, teachers, and television workers organized strikes to protest poor working conditions and unpaid salaries, with no government retribution against the strikers.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children; however, children in cities often worked in street trading, and those in rural communities did domestic and fieldwork without pay. The Government did not take action to combat such practices by year's end.

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age was 14 years for general factory labor and 18 years for heavy or dangerous labor, including all labor in mines. These minimum age requirements generally were followed in the small formal sector, but the Ministry of Justice and the Ministry of Civil Service and Labor did not enforce these requirements in other sectors.

The Government had not ratified ILO Convention 182 on the Worst Forms of Child Labor by year's end.

The law prohibits forced and bonded child labor; however, forced child labor was a problem (see Section 6.c.).

e. Acceptable Conditions of Work

The Government's Council of Ministers annually establishes minimum wage rates for all categories of work; however, it does not enforce them. The lowest monthly wage was approximately \$20 (14,800 CFA francs) per month plus a bag of rice. This wage was insufficient to provide a decent standard of living for a worker and family, and workers must supplement their income through other work, reliance on the extended family, and subsistence agriculture.

The maximum number of hours permitted in a normal workweek without further compensation is 45, but the Government does not enforce this provision. With the breakdown of the formal economy in 1998, most of the country returned to barter, and both the Government and private sector lacked the funds to pay salaries. Since 2000 the Government has failed to pay on a regular basis its teachers, civil servants, and medical practitioners.

With the cooperation of the unions, the Ministry of Justice and Labor establishes legal health and safety standards for workers, which then are adopted into law by the National Assembly. However, these standards were not enforced, and many persons worked under conditions that endanger their health and safety. Workers do not have the right to remove themselves from unsafe working conditions without losing their jobs. In view of the high unemployment rate, a worker who left for such reasons could be replaced easily.

f. Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

*On June 14, 1998, the United States Embassy suspended operations in the midst of heavy fighting in Guinea-Bissau and all official personnel in the country were evacuated. This report is based on information obtained by U.S. embassies in neighboring countries and from other sources.